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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:16-CR-00051-BR

v.

AFFIDAVIT OF KATHERINE D.

ARMSTRONG IN SUPPORT OF

MOTION FOR PROTECTIVE ORDER

AMMON BUNDY, et al.,

Defendants.

State of Oregon)
) ss.
County of Multnomah)

I, Katherine D. Armstrong, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed for approximately one-and-a-half (1½) years. I am currently assigned to the violent and organized crime squad. In 2014, I successfully completed twenty-one (21) weeks of training at the FBI Academy located in Quantico, Virginia. During that time, I was taught the

use and practical application of various investigative techniques that Federal law enforcement officers are allowed to employ. In addition to my formalized training in violations of the law at the FBI Academy, I have also acquired knowledge and information pertaining to violations of federal law from numerous other sources, including: formal and informal training, other law enforcement officers and investigators, informants, and my participation in other investigations. Prior to joining the FBI, I was a prosecutor with the Philadelphia District Attorney's Office for approximately two-and-a-half years and briefly worked in the private sector as a civil litigator. I attended law school at Temple University in Philadelphia, Pennsylvania, and have been certified to practice law since October 2010.

2. This affidavit is submitted in support of the government's Motion for a Protective Order under Federal Rule of Criminal Procedure 16(d)(1).

3. I am one of the Special Agents assigned to the investigation of the defendants in *United States v. Ammon Bundy, et al.*, Case No. 3:16-CR-00051-BR; and *United States v. Blaine Cooper, et al.*, Case No. 3:16-CR-00064-JO. I am familiar with the facts related to the charge against defendants of Conspiracy to Impede Officers of the United States under 18 U.S.C. § 372. I am further familiar with much of the discovery in the investigation, including written reports of witness interviews.

4. The facts set forth in this affidavit are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; interviews of witnesses; my review of records related to this investigation; and communications with others who have knowledge of the events and circumstances described herein.

5. My experience with the investigation in these cases, and my review of the discovery, have shown that numerous witnesses in the *Bundy* and *Cooper* cases were harassed, threatened, or intimidated by the defendants, persons associated with the defendants, so-called militia members, or persons sympathetic to the defendants. My review of the discovery to date causes me to believe that if witness statements provided to the defense in discovery were to be publicly disseminated, then it would be highly likely that those witnesses would be subject to harassment, threats, and intimidation. A few examples of previous witness harassment and intimidation are provided below:

a. On December 18, 2015, a citizen (hereafter Citizen) of Harney County, was shopping at the Safeway grocery store in Burns, Oregon. Citizen was wearing a BLM shirt. Citizen was confronted by two men, whom the Citizen has since identified as defendants in the above cases. Citizen reported to law enforcement that she heard yelling, and when she turned around, a defendant shouted “you’re BLM, you’re BLM” at her. One of the defendants further stated to Citizen that they know what car she drives and would follow her home. One of the defendants told the Citizen that he was going to burn Citizen’s house down. The two defendants then left the area in a black pickup truck with black canopy and no visible license plate. Since the incident, Citizen has observed a similar vehicle outside her residence. Citizen was unable to identify the driver of the vehicle when she later saw it. The following week, a second vehicle, described as a white truck with a pink license plate and a big rebel flag sticker on the back window, aggressively tailgated Citizen, flashing lights and driving erratically. Citizen believed the

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second incident was related to the first. Citizen also saw the black pickup truck outside of her place of employment early in the morning hours of Christmas Day.

b. On December 13, 2015, a Harney County law enforcement official received an email that read in part, “Have a good read you two bit punk... What you gonna do when they come for YOU??? By the thousands.. PUNK. You no doubt come from a family of liars and punks....” On December 16, 2015, the parents of this Harney County law enforcement official described being followed after leaving a school play. On a separate occasion, around January 1, 2016, one of the parents described seeing a black, Ford pickup truck with two men in the passenger compartment, with Colorado license plates and a long gun in a rack in the cab, watching him when he exited his house to pick up his mail. The parents described feeling harassed on these occasions.

c. The minor child of a nearby town’s police chief was followed home sometime between December 25, 2015, and January 2, 2016. The minor was followed by a midsize, white pickup truck for 25-30 minutes. On January 1, 2016, the minor was again followed while driving. This time, the minor was followed by a red, Dodge pickup truck. The truck followed the minor from the minor’s home for approximately ten minutes.

d. For approximately ten days starting around January 16, 2016, an environmentalist traveled to the Malheur National Wildlife Refuge (MNWR) every day and held press conferences after the armed occupiers had given their own press conference. The environmentalist stated his life was threatened twice during that time period. A second environmentalist was accused by a defendant of being an undercover

FBI agent. Both environmentalists left the MNWR after the accusation, as the crowd “became very ugly” according to an interview with one of the environmentalists.

e. Multiple social media postings collected by the FBI show defendants, persons associated with the defendants, so-called militia members, and others sympathetic to defendants making threatening, intimidating, and harassing statements regarding federal agency employees.

6. Based on my training, experience in this case and others, and conversations with other law enforcement officials, I believe that if the names of these federal agency employees were to be made publicly available, then these witnesses would almost certainly be subject to threats, intimidation, and harassment while this case is pending trial.

7. Based on my training, experience in this case and others, and conversations with other law enforcement officials, I believe that if the names of witnesses who have provided statements to law enforcement were to be made publicly available, then these witnesses would almost certainly be subject to threats, intimidation, and harassment while this case is pending trial.

8. Finally, the government has obtained sensitive materials in this investigation from search warrants and court orders. The materials obtained contain private information regarding

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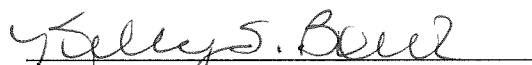
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the defendants and third parties. I believe that public dissemination of this material would implicate witnesses' privacy interests and subject them to threats, intimidation, and harassment.


Katherine D. Armstrong
Special Agent
FBI Portland Division

Subscribed and sworn to before me this 8th day of March 2016.




Notary Public for State of Oregon
My Commission Expires: Oct. 2, 2018